Constitution and By-Laws

St. James Church

Perkiomen, Pa.

ACT OF INCORPORATION

AND

CONSTITUTION AND

BY-LAWS

OF

ST. JAMES CHURCH

PERKIOMEN, PA.

Press of The Independent
Collegeville, Pa.

AN ACT TO INCORPORATE

The Episcopal Congregation of St. James at Perkiomen in the Township of New Providence and the County of Montgomery.

Whereas the Episcopal Congregation of St. James Church at Perkiomen, in the Township of New Providence and County of Montgomery, has petitioned this House that the said Congregation may be incorporated and by law enabled as a body corporate and politic to receive and to hold such charitable donations and bequests as have been and hereafter may be made to said Congregation and vested with such powers and privileges as are invested in and enjoyed by other religious societies which have already been incorporated by the Legislature of the State.

And whereas, in compliance with the prayers of the Petitions and agreeable to the spirit of the Constitution, this House is disposed to exercise the power therein vested.

Therefore be it enacted, and it is hereby enacted by the representatives of

the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same,

That the Reverend Slator Clay, the present minister, James Shannon and Nathan Pawling, Wardens. Henry Pawling Senior, Robert Shannon, Edward Lane, John Bean, Henry Newberry, Joseph Pawling, Benjamin Rittenhouse, Henry Pawling Junior, and John Pawling Junior, Vestrymen, and their successors duly elected and appointed, be and they are hereby made and constituted a Corporation and Body Politic in Law and in fact to have continuance forever by the name, style and title of "The Minister, Wardens, and Vestry of the Episcopal Congregation of St. James Church, Perkiomen, in the Township of New Providence, and County of Montgomery.

And whereas the aforesaid Congregagation are already possessed of real estate consisting of a certain messuage or tract of land and parsonage house contiguous to said Church containing fifty acres, the donation and bequest of William Lane, dec'd, and it is hoped similar donations may be made to said Church. Therefore be it enacted, by the authority aforesaid that the above named Trustees and their successors or a majority of them, consist-

ing of not less than two-thirds of the whole number shall have power to receive in trust for the benefit of said Congregation all such charitable donations and bequests as already have been or hereafter may be made and also in case it may be deemed for the benefit or advantage of said congregation by a majority of the Trustees or their successors as aforesaid, they shall have power to bargain, sell and convey all such real estate and donations of land other than the site on which the Church stands, as already is or hereafter may be made to said congregation and in lieu thereof to purchase other real estate that may by said Trustees be deemed more beneficial to the secular interest of said congregation.

Provided nevertheless that the clear yearly income, rents, and value of all such real estate and charitable bequests does not exceed the sum of Five Hundred pounds, specie. And be it further enacted by the authority aforesaid that the said Corporation and their successors by the name style and title aforesaid shall forever hereafter have use and exercise all and singular the like powers, authorities, rights, privileges, and immunities as shall be subject to such regulations, provisions and directions, and to

such limitations and restrictions as were given and granted to the Episcopal Congregation of St. Paul's Church in the city of Philadelphia in and by an act of the General Assembly entitled, "An Act for Corporating St. Paul's Church in the City of Philadelphia." Passed the twenty-third day of September in the year of our Lord, one thousand seven hundred and eighty-three.

Signed by order of the House,

THOMAS MIFFLIN,

SPEAKER.

Enacted into a law at Philadelphia on Friday, the 3rd day of October, in the year of our Lord one thousand seven hundred and eighty-eight.

PETER ZACHARY LLOYD,

CLERK OF THE GENERAL ASSEMBLY.

Enrolled January 10th, 1789.

THE ACT ALLUDED TO IN THE ACT OF INCORPORATION OF ST. JAMES CHURCH.

The regulations, provisions, directions, limitations, and restrictions herein given and granted are conferred upon the Corporation of St. James Church, Perkiomen.

CHAPTER 86; 1783.

AN ACT FOR INCORPORATING ST. PAUL'S CHURCH IN THE CITY OF PHILADELPHIA

SECTION 1: Whereas divers members of the Episcopal Church formerly in communion with the Church of England did many years ago, at a very considerable expense, erect and build a House for the Public Worship of God in the City of Philadelphia, which was nominated and styled St. Paul's Church, by certain constitutions and a special agreement vesting the same church together with the lot of ground on which it is constructed in certain persons in Trust, and

Whereas, the survivors of the said Trustees together with the present Vestrymen of the above named Church have set forth and represented the disadvan-

tages which they have sustained and yet experienced from the want of legal power and consideration as a Politic and Corporate Body; and also have petitioned that they, Survivors, together with the other members of the Religious Society who assemble in the said Church, may be incorporated and furnished with the due and customary privileges in their behalf and that they may have perpetual succession. And whereas it is just and proper and perfectly consistent with the true intent and spirit of the Constitution that the prayer of their said Petition be granted.

SECTION 2 :—Trustees Incorporate :

Be it therefore enacted, and it is hereby enacted by the representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same that the Reverend Samuel Magaw, Doctor of Divinity, etc., etc., present Vestrymen of the said Church and their Successors duly elected and nominated in their place and stead be and they are hereby made and constituted a Corporation and Body Politic in law and in fact to have continuance forever by the name and title of "The Minister, Church Wardens and Vestrymen of the Episcopal Church of

St. Paul's, in the City of Philadelphia and Commonwealth of Pennsylvania.

SECTION 3 :—Corporation may purchase and hold lands :

And be it further enacted by the authority aforesaid, that the said Minister, Church Wardens and Vestrymen and their Successors by the name and title aforesaid shall forever hereafter be persons able and capable in Law to purchase, have, receive, take, hold and enjoy in Fee Simple or of any lessor estate or estates any lands, tenements, rents, annuities, liberties, franchises and other hereditaments, by the gift, grant, bargain, sale, alienation, in feoffment, release, confirmation or devise of any person or persons, bodies politic or corporate, capable to make the same, and further that the said corporation may take and receive any sum or sums of money and any kind, manner or portion of goods and chattels that shall be given or bequeathed to the said Minister, Church Wardens and Vestrymen and their successors, by any person or persons, bodies politic and corporate, capable to make a gift or bequest thereof, such money, goods and chattels to be laid out by them in a purchase or purchases, of lands, tenements, messuages, houses, rents, annu-

ities or hereditaments to them and to their successors forever.

SECTION 4:—Manner of applying profits and interest :

And be it further enacted by the authority aforesaid that the rents and revenues, profits and interest of the said Church and Corporation shall by the said Minister, Church Warden and Vestrymen and their successors from time to time be appointed for the maintenance and support of the minister or ministers and officers of the said Church and for the necessary repairs of the said Church, Burial Ground, Churchyard, parsonage house or houses and other tenements which do now or hereafter may or shall belong to the said Church and Corporation and to no other use or purpose whatsoever.

SECTION 5:—Corporation may dispose of part of the Estate, etc.:

And be it further enacted by the authority aforesaid that the said Minister, Church Wardens and Vestrymen and their successors shall and may grant, alien, or otherwise dispose of any messuages, houses, lands, tenements or hereditaments other than the site of the House of Public Worship or Church aforesaid and burial ground or grounds

which they do now or may hereafter possess, as to them may seem meet and proper.

SECTION 6: Two thirds of the Vestry consenting, Provided always, and be it further enacted by the authority aforesaid that in the disposition, sale or alienation of such messuages, houses, lands, tenements and hereditaments, the consent and concurrence of two-thirds of the Vestry shall be had and obtained and also the moneys arising from the said disposition or sale shall be appropriated to the purchasing and procuring other more convenient messuages, houses, lands or tenements as the aforesaid majority of the Vestry may deem proper and expedient and to no other purpose or purposes whatsoever.

SECTION 7: Corporation may make By-Laws, etc.: And be it further enacted by the authority aforesaid that the said Minister, Church Wardens and Vestrymen and their successors or majority of them shall and may convene from time to time to make Rules and By-Laws and Ordinances and to transact everything requisite for the good government and support of the said Churches. Provided, always, that the said Rules, By-Laws and Ordinances be not repugnant to the laws

and statutes in force within this Commonwealth, and that they be consonant to the usages and customs of the said Church.

SECTION 8: Corporation to use one common seal: And be it further enacted by the authority aforesaid that the said Minister, Church Wardens and Vestrymen shall have full power and authority to make, have and use one common seal, with such device or devices and inscriptions as they shall think proper, and the same to change, break, alter and renew at their pleasure.

SECTION 9: May sue or be sued: And be it further enacted by the authority aforesaid that the said Minister, Church Wardens and Vestrymen and their successors, by the name before mentioned, shall be able and capable in law to sue and be sued, plead and be impleaded in any Court or Courts; before any Judge or Judges, Justice or Justices, in all and all manner of suits, complaints, causes, matters and matter and thing therein to do, in as full and effectual a manner as any other person or persons, bodies politic or corporate in this commonwealth in the like cases may or can do.

SECTION 10:—Number and election of Vestry: And be it further enacted by the authority aforesaid that the Vestry

of said Church shall consist of twenty persons, members of the said Church, of which number the Church Wardens are always to be two. And that the election of such Vestry shall be made every year on Easter Monday, or some day in the same week of which the said congregation shall have notice, by a majority of such members of the said Church as shall appear by the Vestry books to be contributors to the support and maintenance of the said church having and paying for a pew or part of a pew sufficient for one person for the Vestrymen of said Church.

SECTION 11:—Vestry to choose Wardens annually, etc.: And be it further enacted by the authority aforesaid that the said Vestry so elected and chosen shall annually and every year elect two of their number to be Church Wardens of the said Church, provided always nevertheless that in the case of the death or removal of such Minister and until another Minister shall be duly appointed and approved for the said Church, agreeable to former method and usage, the Church Wardens for the time being, with the major part of the Vestrymen in Vestry met shall have the same powers and authorities relating to the disposition of the rents and revenues of the said Corporation as is hereinbe-

fore vested in the Minister, Church Wardens and Vestrymen.

SECTION 12 :—Certain agreements etc., declared (Local) to be of full force.

SECTION 13 :—Limitation of real estate: And it is hereby enacted by the authority aforesaid that the clear yearly value of the messuages, houses, lands, tenements, rents, annuities, or other hereditaments and real estate of the said Corporation shall not exceed the sum of one thousand pounds lawful money of the State of Pennsylvania, exclusive of the moneys arising from the letting of the pews belonging to said Church and also exclusive of the moneys arising from the opening of the ground for burials in the church yard belonging to the said Church, which said moneys shall, as they are now, be received and disposed of by the Church Wardens and Vestrymen for the time being, for the purposes hereinbefore mentioned and directed. Signed by order of the House.

FREDERICK A. MUHLENBERG,
SPEAKER, ETC.

BY-LAWS

For the Government of St. James' Church, Perkiomen, Evansburg, Montgomery County, Pennsylvania, Adopted September 30th, 1861.

Whereas, by the seventh section of the Charter incorporating this and St. Paul's Church, Philadelphia, it is declared "that the Minister, Church Wardens and Vestrymen and their successors or a majority of them shall and may convene from time to time to make rules, by-laws and ordinances and transact everything requisite for the good government of said church. Provided, always, that the said rules, by-laws and ordinances be not repugnant to the laws and statutes in force within this commonwealth and that they be consonant to the usages and customs of said church."

Therefore, be it ordained by the Rector, Wardens, and Vestrymen of St. James' Church, Perkiomen, in Vestry met, that the following by-laws for the government of said church and congre-

gation, be and they are hereby enacted by the authority of the same, to wit :

ARTICLE I

ELECTION AND QUALIFICATION OF VOTERS

SECTION 1 :—The time and place for holding the election as provided for in the 10th section of the Act of Incorporation, shall be announced to the congregation on the Sunday next preceding the day of election.

SECTION 2 :—The election shall commence between the hours of two and three on the afternoon of Easter Monday; shall be by ballot and shall be determined by a majority of the votes of the members present, that is to say, members of the congregation holding a pew or one or more sittings, being of the age of twenty-one years or upwards and having been a pew holder for at least one year before the election, and not being over six months in arrears for pew rent.

SECTION 3 :—None but those who are qualified to vote for vestrymen shall be eligible to the Vestry.

SECTION 4:—Tellers shall be chosen by the voters present, and the poll shall be closed within one hour from the commencement of the election. Provided, always, that if the Rector, or if the

Wardens shall deem it necessary and shall so require, the poll shall be kept open five hours.

SECTION 5:—The members elected shall be notified of their election by the tellers within one week and the congregation shall be notified from the desk on the Sunday following the annual election.

SECTION 6:—In case of a failure to elect vestrymen on the day appointed by the charter the Vestry in office shall appoint some other day convenient within four weeks for holding the election.

SECTION 7:—The Vestrymen elected shall continue in offce for one year after their election, or until their successors are elected.

ARTICLE II

THE MEETINGS OF THE VESTRY, ELECTION, ORDER OF BUSINESS, ETC.

SECTION 1:—The stated meetings of the vestry shall be held on the first Monday in the months of January and October and on Easter Monday, after the election.

SECTION 2:—Four members of the Vestry together with the Rector, or in his absence six of the Vestry shall constitute a quorum for the transaction of business.

SECTION 3:—Special meetings may be called at any time whenever the Rector or any two members of the Vestry shall desire it. The object of the meeting shall be stated at the time of the call and no other business than that specified shall be transacted.

SECTION 4: — At their first meeting after their election the Vestry shall choose their own officers for the current year, and until their successors are duly appointed, and the manner of choosing them shall be as follows, viz.: The Vestry shall elect one of their number to be one of the church wardens, who shall be the "Accounting Warden," and the Rector, for the time being, shall appoint another of the Vestrymen to be the other church Warden, who shall be Rector's or Senior Warden of the church. If there be no Rector at the time, the Vestry shall elect both Wardens. The Vestry shall then elect a Secretary, who shall also be one of their body, and shall also elect a suitable person to be the Sexton of the church. They shall also appoint one of their number who shall act as trustee of the Paul Engle fund for the education of poor children, and who shall name the children to be educated by said trust fund. The Vestry shall then elect three lay deputies to attend and represent the parish in the

Diocesan Convention as required by the canons of the church.

SECTION 5: — The election as aforesaid shall be by ballot unless there be but one candidate nominated for each office. The Vestry shall have power to fill all vacancies that may occur in their own body from death, resignation, etc.

SECTION 6:—The Rector, or in his absence the Rector's warden, shall preside at the meetings of the Vestry ; but if both be absent, then any other member present may be appointed chairman for the time to preside at such meeting.

SECTION 7:—No salary shall be altered, nor new office created at any meeting of the Vestry unless the same shall have been first proposed at a preceding meeting and particularly expressed in a written notice to be given by the Secretary to that effect.

SECTION 8:—The order of business at the stated meetings of the Vestry shall be as follows, viz.: The minutes of the preceding meeting shall be read and roll called. Communication may then be presented and disposed of. Reports of committees read and acted on. Any other business shall then be in order.

SECTION 9 :—The ayes and noes may be called for by any member, and if re-

quired by him shall be entered upon the minutes.

ARTICLE III

THE ELECTION OF A RECTOR OR ASSISTANT MINISTER

SECTION 1 :— To the election of a Rector or assistant minister the votes and consent of at least eight members of the Vestry shall be necessary, and to the election of an assistant minister the previous consent of the Rector also.

SECTION 2 :—In either case the person to be elected shall have been nominated at a previous meeting of the Vestry, and the notices for the meeting at which such election is intended shall express such intention.

SECTION 3 :—The election of a Rector or assistant minister shall be by ballot.

ARTICLE IV

THE DUTIES OF THE SECRETARY

It shall be the duty of the Secretary to attend the Vestry at their meetings and keep regular and fair minutes of all their proceedings, to issue notice of all stated, adjourned and special meetings, and to perform all reasonable and customary duties incident to the office of Secretary. He shall have the custody of all papers of the Church, except such as relate to the Rector's, Wardens' and Treasurer's departments, and shall affix the cor-

porate seal to such instruments as he may be authorized to do by an order of the Vestry.

ARTICLE V

THE DUTIES OF THE CHURCH WARDENS

SECTION 1:—It shall be the duty of the Wardens to be attentive that order and decorum be observed in the Church during divine service and that the sexton performs the duties of his office. The Wardens shall have power to make purchases of all articles necessary for the use of the corporation not exceeding $15 per quarter.

SECTION 2:—The accounting Warden shall have the custody of the title papers, seal and account books of the Corporation. He shall have charge of all the revenues of the corporation and shall disburse them under the orders of the Vestry, and shall enter in a book to be kept for the purpose, all sums received and paid by him, which book shall be presented for the inspection of the Vestry whenever called for. He shall pay the Rector, and all other

officers of the corporation, respectively, their stated salaries or compensations quarter yearly, and for all payments made by him he shall take full and proper receipt as his voucher therefor. He shall at the stated meeting on Easter Monday have prepared and laid before the Vestry a statement of all the debts and liabilities of the corporation in detail, and also a statement of all the property claims and effects, belonging to the corporation, which account shall be referred to a committee to be audited.

ARTICLE VI

THE SEXTON

The Sexton besides his constant care of the church shall perform all other duties connected with its affairs which shall be required by the Rector or either of the Wardens. He shall be entitled to receive $3.50 for digging the grave of a grown person and attending the funeral and $2.50 for the grave of a child. The grave to be dug four feet. One dollar extra shall be paid for every additional foot in depth.

ARTICLE VII

THE CHOIR AND SUNDAY SCHOOL

SECTION 1 :—There shall be a committee of two appointed annually who, with

the Rector shall have charge of the organ and choir, under such regulations as shall from time to time be prescribed by the Vestry.

SECTION 2 :—There shall also be a committee appointed annually who with the Rector shall exercise some supervision over the schools of the Parish. The Rector, however, shall exercise a general supervision over the school or schools and shall visit them as often as his convenience will allow. No teacher shall be appointed in said school without the approbation of the Rector. And the election of Superintendent by the teachers to be valid must be comfirmed by the Rector.

ARTICLE VIII

PEWS, PEW RENTS AND THE COLLECTION OF THE SAME

SECTION 1 :—The Church Wardens shall have power to rent any vacant pews or sittings on such terms as the Vestry may prescribe. They shall keep a register of the pews and sittings rented.

SECTION 2 :—The pew rents shall be due and payable half yearly on the first Monday of the months of January and July. Public notice thereof shall be given on Sundays from the desk, one and two weeks previous to the days aforesaid.

SECTION 3 :—If the holder of any pew or sitting shall be one year or upwards in arrears for pew rent the Vestry may direct notice to be given such delinquent and if the arrearages be not paid within thirty days after such notice the pew or sitting shall be liable to forfeiture at the option of the Vestry.

SECTION 4 :—When two or more persons have rights to sittings in the same pew, no particular part or portion of the pew shall be considered as belonging or exclusively appropriated to either or any of them and in case of any dispute or difficulty, the Wardens shall have power to adjust the rights of respective claimants.

ARTICLE IX

REGISTER OF MARRIAGES, BAPTISMS, CONFIRMATIONS AND BURIALS

The Rector shall keep a correct register of all marriages, baptisms, confirmations and burials at which he shall have officiated, in a book provided for the purpose, which book of records shall be the property of the church.

ARTICLE X

APPLICATION FOR THE USE OF THE CHURCH

All applications for the use of the church shall be made to the Rector and

Wardens who shall have power to grant them.

ARTICLE XI

THE SEAL OF THE CORPORATION

The seal of the Corporation shall have inscribed upon it Rector, Wardens and Vestry men of St. James' Church, Perkiomen, Montgomery County, Pennsylvania, and it shall be used in all papers, deeds and writings to which it shall be necessary to affix the Corporate seal.

ARTICLE XII

INTERMENTS

SECTION 1 :—The Church Wardens may from time to time dispose of lots in the graveyard for burial purposes at such prices and subject to such regulations as may be prescribed by the Vestry.

SECTION 2 :—Every renter of a pew or sitting who shall have held his or her pew and sitting at least one year and who is not in arrears for pew rent shall be entitled to the privilege of interment without charge for ground.

SECTION 3 :—Persons under the age of twenty-one years being the children of parents who are members shall have the same privilege. So also shall all unmarried women of whatever age residing with their parents. Such parents being

members and occupants of two or more sittings. All others shall pay $3.00 in addition to the expenses for the privilege of interment. The price fixed for family burial is $12.50.

SECTION 4 :— All applications for ground for the purpose of interment shall be made to one of the Church Wardens who shall keep a plan of the burial ground with all the vacant and taken lots marked thereon.

ARTICLE XIII

THE BY-LAWS

SECTION 1 :—No alteration or amendment shall be made to the foregoing By-Laws unless proposed at a stated meeting aud concurred in at a subsequent meeting by a majority of whole Vestry.

SECTION 2 :—All former By-Laws and rules and regulations are hereby repealed.

ADDENDA

At a meeting of the Vestry held May 23rd, 1877, the following was adopted :

RESOLVED, That the price of burial lots in the new addition to the graveyard hereafter be fifteen dollars for one lot 8 by 16 feet.

At the regular annual meeting of the Vestry held April 18th, 1892, the following was adopted :

RESOLVED, That hereafter the graves shall not be less than four feet deep for children, and not less than five feet for adults ; and the grave digger to be allowed the privilege of charging one dollar per foot for digging the grave and attending the interment.